

REMARKS

In response to the Official Action dated April 15, 2003, claim 31 has been cancelled and claims 15, 19, 23 and 29 have been amended in order to better define that which Applicants regard as the invention. Accordingly, claims 15-30 and 32-34 are presently pending in the instant application.

Initially, Applicant wishes to acknowledge the Examiner's indication on page 4 of the Office Action, that claims 17, 21, 27 and 33 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

With reference now to page 2 of the Office Action, claim 31 has been objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. As can be seen from the foregoing amendments, dependent claim 31 has been cancelled. Consequently, further discussion with respect thereto is no longer believed to be warranted.

With reference to page 3 of the Office Action, claims 15, 16, 18-20, 22-26, 28-32 and 34 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,538,154 issued to Von Holdt in view of U.S. Patent No. 5,103,993 issued to Bingisser. This rejection is respectfully traversed in that the combination proposed by the Examiner neither discloses nor remotely suggests that which is presently set forth by Applicant's claimed invention.

Initially, with reference to independent claim 23 and those claims which depend therefrom, it is noted that this claim has been amended to recite that the closure surface extends from a lowest portion of the inner wall. It is noted in the Examiner's discussion that

the portion of the inner wall of Von Holdt while it does not extend from the lowest point on the inner wall, it does extend from a lowermost portion of the inner wall. Consequently, the Examiner has taken the position that the teachings of Von Holdt set forth a lid wherein the closure surface extends from a lowermost portion of the wall which met the limitations of previous claim 23. Again, as can be seen from the foregoing amendments, claim 23 has been amended to specifically recite that the closure surface extends from a lowermost portion of the inner wall. Consequently, it is respectfully submitted that independent claim 23 as well as those claims which depend therefrom clearly distinguishes over the combination proposed by the Examiner and are in proper condition for allowance.

With reference now to independent claims 15, 19 and 29, as can be seen from the foregoing amendments, each of these claims have been amended to recite that the lid for a container includes a closure surface, a circumferential rim extending about a periphery of the closure surface with the circumferential rim including an outer wall having a substantially circumferentially contiguous inner surface, an inner wall and a transition wall extending therebetween. The container lid further includes a plurality of cutouts formed in at least the transition wall of the circumferential rim and a circumferential seal formed adjacent to the circumferential rim with the circumferential seal being positioned on the inner side wall between the cutouts and the closure surface. In doing so, at least a portion of the rim of the container is visible through each of the plurality of cutouts when the lid is positioned on the container. Again, it is noted that the claimed invention recites a circumferential rim extending about a periphery of the closure surface with the circumferential rim including an outer wall having a substantially circumferentially contiguous inner surface, an inner wall and a transitional wall extending therebetween. This feature being clearly supported by the several figures as well as Applicants' specification.

In rejecting Applicant's claimed invention, the Examiner relies on the teachings of Von Holdt as meeting all of the limitations set forth except the provision of an access opening formed in a closure surface. In light of this shortcoming, the Examiner relies on the teachings of Bengisser which illustrates a similar container structure with an access port in a closure surface. While this may be the case, it is respectfully submitted that the patent to Von Holdt when taken alone or in view of Bengisser clearly fails to disclose or remotely suggest that which is presently set forth by Applicant's claimed invention.

The Examiner is relying on the teachings of Von Holdt as disclosing a plurality of openings extending around the periphery of a container lid as shown in the embodiment illustrated in Figures 9-11. However, as the Examiner can readily appreciate, the embodiment illustrated in Figures 9-11, as well as the additional embodiments set forth by Von Holdt clearly fail to illustrate a lid for a container including a circumferential rim extending about a periphery of a closure surface with the circumferential rim including an outer wall having a substantially circumferentially contiguous inner surface. The essence of the Von Holdt references is the provision of a plurality of space panels 22 which are angled inwardly from an inner surface of an annular peripheral flange 14 which are positioned to engage the underside of the container lid. Clearly, the inner surface of the outer wall of the container lid of Von Holdt is not and cannot be substantially circumferentially contiguous. That is, as can be readily appreciated from the Figures 10 and 11, the cross-sectional view of the lid of Von Holdt does not illustrate a substantially uniform or contiguous inner surface given the panels 22c which are circumferentially spaced about the inner surface of the outer wall and extend therefrom.

Additionally, it is noted from column 5, lines 31-45, that the only reason Von Holdt includes the provision of the apertures 76 is to permit portions of the mold to form panels 22c

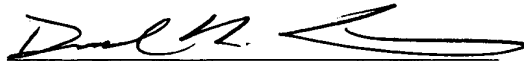
without the presence of side apertures in the annular flange 14c. Clearly, the patent to Von Holdt does not provide nor remotely contemplates providing the apertures 76 so as to permit at least a portion of the brim of the container to be visible through each of the apertures when the lid is positioned on the container. When the lid of the type set forth in accordance with Von Holdt is positioned on a container, there is a significant audible indication that the lid is properly positioned. Moreover, as the Examiner can readily appreciate, the apertures 76 are nowhere to be found in any of the other embodiments set forth by Von Holdt and consequently the provision for permitting visual inspection of the relationship of the lid with respect to the brim of a container was not remotely contemplated by Von Holdt. Accordingly, in that Applicant's claimed invention as set forth in independent claims 15, 19 and 29 as well as those claims which depend therefrom now require that the outer wall have a substantially circumferentially contiguous inner surface, thus eliminating the need for access in a molding process, one of ordinary skill in the art clearly would not turn to or rely on the teachings of Von Holdt in the manner suggested by the Examiner.

Moreover, given the foregoing amendments, it is respectfully submitted that the patent to Von Holdt when taken alone or in combination with other prior art of record fails to result in or render obvious Applicant's claimed invention. The only way Von Holdt would be remotely applicable to Applicant's claimed invention is to remove the panels 22 set forth therein. However, it is noted that the panels 22 are an essential feature of the Von Holt reference and to remove such panels would destroy the essence of the invention set forth by Von Holdt. Accordingly, in view of the foregoing amendments and detailed discussion, it is respectfully submitted that Applicant's claimed invention as set forth in each of independent claims 15, 19 and 29 as well as those claims which depend therefrom, clearly distinguish over the combination proposed by the Examiner and are in proper condition for allowance.

Therefore, in view of the foregoing, it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 15-30 and 32-34 be allowed and that the application be passed to issued.

Should the Examiner believe a further conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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